IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1906 OF 2005

Indra Sen Mittal ...Applicant

Vs.

ITC Bhadrachalam
Finance & Anr. ...Respondents

...

Mr.Dinesh Tiwari Advocate for Applicant
Mr.S.A.Velkar i/b M/s.Mulla & Mulla & Craigie Blunt and Caroe for Respondent no.1.
Mr.M.S.Mhambaray, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the applicant and the learned advocate for Respondent-original complainant.

2. The applicant is seeking quashing of process issued by the learned M.M. 16th Court, Ballard Pier, Mumbai in C.C.No. 189/S/2004. In the said case process is issued under Sections 138 r.w. 141

of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within three weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of three weeks. The learned advocate for the respondent-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]